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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

KIRK KEILHOLTZ and KOLLEEN
KEILHOLTZ for themselves and on
behalf of those similarly situated,

Plaintiffs,

vs.

SUPERIOR FIREPLACE COMPANY;
LENNOX HEARTH PRODUCTS, INC.;
LENNOX INTERNATIONAL, INC. and
DOES 1 through 25, Inclusive,

Defendants.

No. CV 08-00836 SI

[PROPOSED] STIPULATION
AND ORDER CONTINUING
BRIEFING AND HEARING DATE
ON DEFENDANTS' MOTION TO
DISMISS PURSUANT TO F.R.C.P.
RULE 12 (B)(6) AND (9)

WHEREAS, due to the need to conduct further discovery and the pendency of motions to compel discovery which plaintiffs assert are necessary to oppose defendant Lennox International, Inc.'s ("LII") motion to dismiss for lack of personal jurisdiction, the parties, through their counsel, have agreed and stipulate as follows:

Defendant LII's' pending motion to dismiss for lack of personal jurisdiction pursuant to Rule 12(b)(2), which is scheduled for November 21, 2008, is continued until February 6, 2009, at 9:00 a.m., before the Hon. Judge Susan Illston. Plaintiffs' opposition shall be filed and served at least twenty one (21) days before the date for the continued hearing. Defendants'

1 reply papers shall be filed and served at least fourteen (14) days prior to the date for the
2 continued hearing.

3 IT IS SO STIPULATED.

4 Dated: November 3, 2008

CLAYEO C. ARNOLD
A Professional Law Corporation

6 By: /SS/
7 KIRK J. WOLDEN
8 Attorneys for the CLASS

9 Dated: November 3, 2008

DOWNEY BRAND LLP

11 By: /SS/
12 MEGHAN BAKER
13 Attorneys for the Defendant
14 SUPERIOR FIREPLACE COMPANY;
15 LENNOX HEARTH PRODUCTS INC.; and
16 LENNOX INTERNATIONAL INC.

16 IT IS SO ORDERED.

17 Dated: _____



SUSAN Y. ILLSTON
United States District Court Judge